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5 **IN THE UNITED STATES DISTRICT COURT**  
6 **FOR THE DISTRICT OF ARIZONA**

7 IN RE BARD IVC FILTERS  
8 PRODUCTS LIABILITY LITIGATION

9  
10 No. MD-15-02641-PHX-DGC  
11  
12

13 **THIS FILING RELATES TO: 2:17-cv-**  
14 **02949**

15 **AMENDED SECOND AMENDED  
16 MASTER SHORT FORM COMPLAINT  
17 FOR DAMAGES FOR INDIVIDUAL  
18 CLAIMS AND DEMAND FOR JURY  
19 TRIAL**

20 Plaintiff(s) named below, for their Complaint against Defendants named below,  
21 incorporate the Master Complaint for Damages in MDL 2641 by reference (Doc.364).

22 Plaintiff(s) further show the Court as follows:

1. Plaintiff/Deceased Party:

2. Jimmy Sullivan

3. Spousal Plaintiff/Deceased Party's spouse or other party making loss of  
consortium claim:

4. N/A

5. Other Plaintiff and capacity (i.e., administrator, executor, guardian,  
conservator):

1                   N/A \_\_\_\_\_

2

3       4. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
4                   the time of implant:

5                   Texas \_\_\_\_\_

6       5. Plaintiff's/Deceased Party's state(s) [if more than one Plaintiff] of residence at  
7                   the time of injury:

8                   Texas \_\_\_\_\_

9       6. Plaintiff's current state(s) [if more than one Plaintiff] of residence:

10                   Tennessee \_\_\_\_\_

11       7. District Court and Division in which venue would be proper absent direct filing:

12                   USDC Northern District of Texas, USDC Eastern District of Tennessee, USDC

13                   for the District of New Jersey \_\_\_\_\_

14       8. Defendants (check Defendants against whom Complaint is made):

15                    C.R. Bard Inc.

16                    Bard Peripheral Vascular, Inc.

17       9. Basis of Jurisdiction:

18                    Diversity of Citizenship

19                    Other: \_\_\_\_\_

20       a. Other allegations of jurisdiction and venue not expressed in Master  
21                   Complaint:

1 \_\_\_\_\_  
2 \_\_\_\_\_  
3 \_\_\_\_\_  
4 10. Defendants' Inferior Vena Cava Filter(s) about which Plaintiff(s) is making a  
5 claim (Check applicable Inferior Vena Cava Filter(s)):

6  Recovery® Vena Cava Filter  
7  G2® Vena Cava Filter  
8  G2® Express Vena Cava Filter  
9  G2® X Vena Cava Filter  
10  Eclipse® Vena Cava Filter  
11  Meridian® Vena Cava Filter  
12  Denali® Vena Cava Filter  
13  Other: 2<sup>nd</sup> Implant: Eclipse Vena Cava Filter

14 11. Date of Implantation as to each product:

15 6/5/2007 (1<sup>st</sup> implant); 10/10/2011 (2<sup>nd</sup> implant)

16 12. Counts in the Master Complaint brought by Plaintiff(s):

17  Count I: Strict Products Liability – Manufacturing Defect  
18  Count II: Strict Products Liability – Information Defect (Failure to Warn)  
19  Count III: Strict Products Liability – Design Defect  
20  Count IV: Negligence - Design  
21  Count V: Negligence - Manufacture  
22  Count VI: Negligence – Failure to Recall/Retrofit

- Count VII: Negligence – Failure to Warn
- Count VIII: Negligent Misrepresentation
- Count IX: Negligence *Per Se*
- Count X: Breach of Express Warranty
- Count XI: Breach of Implied Warranty
- Count XII: Fraudulent Misrepresentation
- Count XIII: Fraudulent Concealment
- Count XIV: Violations of Applicable Texas and Tennessee (insert state) Law Prohibiting Consumer Fraud and Unfair and Deceptive Trade Practices
- Count XV: Loss of Consortium
- Count XVI: Wrongful Death
- Count XVII: Survival
- Punitive Damages

Other(s): \_\_\_\_\_ (please state the facts supporting this  
Count in the space immediately below)

20 || Jury Trial demanded for all issues so triable?

Yes  
 No

1  
2 RESPECTFULLY SUBMITTED on this 7<sup>th</sup> day of September, 2017.

3 **MCLGYNN, GLISSON AND MOUTON**

4 By: s/Amanda L. Washington

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9 Attorney for Plaintiff

10 I hereby certify that on this 7<sup>th</sup> day of September, 2017, I physically transmitted the  
11 attached document to the Clerk's Office using the Electronic Filing System for filing and  
12 transmittal of a Notice of Electronic Filing.

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14  
15 /s/ Amanda L. Washington

16 Amanda L. Washington  
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